

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAY 22 2007

UNITED STATES OF AMERICA

- v. -

JEWEL RUSSELL-OTERO and,
JOHNNY OTERO,

Defendants.

INDICTMENT

07 Cr.

07 CRIM. 458

COUNT ONE

The Grand Jury charges:

1. From in or about October 2001 up to and including in or about August 2006, in the Southern District of New York and elsewhere, JEWEL RUSSELL-OTERO, the defendant, unlawfully, willfully and knowingly, did embezzle, steal, purloin, and convert to her use and the use of another, vouchers, money and things of value of the United States and a department and an agency thereof, which exceeded the sum of \$1,000, and did receive, conceal, and retain the same with intent to convert it to her use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, RUSSELL-OTERO misrepresented where and with whom she lived and these misrepresentations permitted her to fraudulently obtain federal housing subsidies for an apartment in the Bronx from the United States Department of Housing and Urban Development ("HUD").

(Title 18, United States Code, Sections 641 and 2.)

COUNT TWO

2. From in or about October 2001 up to and including in or about April 2007, in the Southern District of New York and elsewhere, JEWEL RUSSELL-OTERO and JOHNNY OTERO, the defendants, unlawfully, willfully and knowingly, did embezzle, steal, purloin, and convert to their use and the use of another, vouchers, money and things of value of the United States and a department and an agency thereof, which exceeded the sum of \$1,000, and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, RUSSELL-OTERO and OTERO misrepresented their income and concealed their receipt of housing subsidies for an apartment in the Bronx, New York in connection with their application and receipt of housing subsidies from the United States Department of Housing and Development ("HUD") for an apartment in Nyack, New York.

(Title 18, United States Code, Sections 641 and 2.)

FORFEITURE ALLEGATION
AS TO COUNT ONE

3. As the result of committing the offense in violation of Title 18, United States Code, Section 641, alleged in Count One of this Indictment, JEWEL RUSSELL-OTERO, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real

and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to at least \$46,106.00 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offense charged in Count One of this Indictment.

Substitute Asset Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(A) cannot be located upon the exercise of due diligence;

(B) has been transferred or sold to, or deposited with, a third person;

(C) has been placed beyond the jurisdiction of the Court;

(D) has been substantially diminished in value; or

(E) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 641 and 981 and Title 28, United States Code, Section 2461)

FORFEITURE ALLEGATION
AS TO COUNT TWO

5. As the result of committing the offense in violation of Title 18, United States Code, Section 641, alleged in Count Two of this Indictment, JEWEL RUSSELL-OTERO and JOHNNY OTERO, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to at least \$70,000.00 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offense charged in Count Two of this Indictment, for which the defendants are jointly and severally liable.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(A) cannot be located upon the exercise of due diligence;

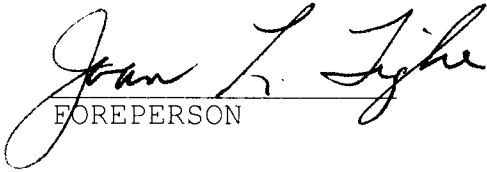
(B) has been transferred or sold to, or deposited with, a third person;

(C) has been placed beyond the jurisdiction of the Court;

(D) has been substantially diminished in value; or

(E) has been commingled with other property which cannot be subdivided without difficulty;
it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 641 and 981 and Title 28, United States Code, Section 2461)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INDICTMENT

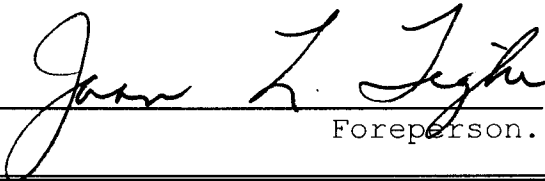
07 Cr.

(18 U.S.C. §§ 641 and 2)

MICHAEL J. GARCIA

United States Attorney.

A TRUE BILL


Foreperson.

5/22/07

Indictment filed. Case assigned to Judge Castel.

Fox, J